

REMARKS

In response to the final Office Action mailed February 20, 2008, Applicant has amended the application as above. No new matter is added by the amendments as discussed below. Applicant respectfully requests entry of the amendments and reconsideration of the application in view of the amendments and the remarks set forth below.

Discussion of Claim Amendments

No claims have been amended.

Discussion of Specification Objection

The Examiner has objected to the abstract. In response, Applicant has amended the abstract as suggested by the Examiner. Applicant respectfully requests withdrawal of the objection.

Discussion of Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner has rejected Claims 1-8 under 35 U.S.C. § 103(a) as being unpatentable over Druckenmiller (U.S. Patent No. 6,167,435) in view of Ferber (U.S. Patent No. 7,184,971 B1) and Mullaney (U.S. Patent Application Publication No. 2001/0037283 A1). Applicant respectfully submits that pending Claims 1-8 are allowable over the prior art of record as discussed below.

Standard of *Prima facie* Obviousness

In order to provide a *prima facie* showing of obviousness under 35 U.S.C. § 103(a), all the claim limitations must be taught or suggested by the prior art. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Discussion of Patentability of Independent Claims 1, 7 and 8

Independent Claim 1 recites, among other things, the following limitations: (1) "receiving, from the registered user, a request for forwarding *the* notice information to a forwarding address of an unregistered user, the forwarding address being provided by the

registered user via the Web page” (emphasis added); (2) “transmitting *the* notice information to the forwarding address” (emphasis added); and (3) “acquiring the user ID of the registered user and transmitting the Web page when the unregistered user clicks a banner area that is displayed on the user terminal by receiving *the* notice information” (emphasis added). Each of independent Claims 7 and 8 includes limitations that are substantially similar to the above-indicated limitations.

The definite article “the” used in “the notice information” in the above-indicated limitations clarifies that “the notice information” in the above limitations includes the “unique user ID” of the registered user as its antecedent basis does in a previous limitation in the same claim, i.e., “transmitting notice information to a destination e-mail address of a registered user whose user information, including a *unique user ID* and the destination e-mail address, has been stored, the notice information containing *the user ID*” (emphasis added). Applicant respectfully submits that none of Druckenmiller, Ferber and Mullaney teaches or suggests the above-indicated limitations (1) to (3).

Discussion of Druckenmiller

The Examiner has acknowledged that Druckenmiller does not disclose or teach the above-indicated limitations (1) to (3). *OA, page 5, first paragraph.*

Discussion of Ferber

In a January 14, 2008 response to the previous Office Action, Applicant has provided arguments that Ferber does not disclose or teach the above-indicated limitations (1) and (2). Applicant respectfully submits that the Examiner has not provided any convincing reasoning as to where in Ferber discloses or teaches exactly the same or similar claim language as recited in the above-indicated limitations (1) and (2).

Ferber discloses tracking e-mails related to the referral by using computer software. However, Ferber discloses manually inputting the referrer’s information into a sign-up form on the Web site. *Ferber, column 12, lines 28-38.* It is to be appreciated that the manually input referrer’s information may not actually include the information pertinent to the registered user. Ferber nowhere teaches or suggests that “the notice information,” transmitted to the unregistered

user, includes “the user ID of the registered user,” which is a feature of the above-indicated limitation (2).

Therefore, Applicant respectfully submits that Ferber does not disclose or teach the above-indicated limitations (1) and (2).

In view that the unregistered user does not receive “the notice information,” which is transmitted to the forwarding address, as recited in above-indicated limitation (2), it cannot be said that Ferber teaches or suggests the above-indicated limitation (3), which requires “the notice information” to be available for use “when the unregistered user clicks a banner area.” Ferber discloses that a consumer may use a web page to provide input and the input can include referring subscriber information. *See, Ferber, column 12, lines 32-37.* The referring subscriber information in Ferber may include a user ID of the referring subscriber information – however, the user ID is not acquired when the unregistered user clicks a banner area as it is in the above-indicated limitation (3).

Therefore, Applicant respectfully submits that Ferber does not disclose or teach the above-indicated limitation (3).

Discussion of Mullaney

Applicant respectfully submits that Mullaney does not teach or suggest limitations (1) to (3). Mullaney discloses that a customer of Salon Serena, which is a business, may provide an email address of a friend, who is a non-customer of Salon Serena, via Salon Serena’s web site. *Mullaney, Figure 4.* Mullaney also discloses that the non-customer friend “can then be *solicited to purchase products and/or services offered by the business*” (emphasis added). *Mullaney, paragraph [0029].* Consequently, although Mullaney mentions that the customer can request a business to send potential service solicitation to the email address of a non-customer, it does not disclose or teach that the potential service solicitation includes a unique user ID of the customer. Mullaney does not even disclose or teach a customer has a user ID. However, the notice information as recited in the above-indicated limitations (1) to (3) includes a unique user ID of a registered user. Accordingly, the potential service solicitation in Mullaney is not comparable to the notice information as recited in the above-indicated limitations (1) to (3). Therefore, Applicant respectfully submits that Mullaney does not teach or suggest the above-indicated

limitations (1) to (3).

In view of the above, Applicant respectfully submits that none of Mullaney, Druckenmiller and Ferber discloses or teaches the above-indicated limitations (1) to (3). The combination of the prior art references does not teach or suggest all the limitations of each independent claim.

Meanwhile, there is no additional prior art to remedy the deficiencies of the cited references. Furthermore, there is no explanation as to why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. Therefore, Applicant respectfully submits that no *prima facie* case of obviousness has been established with respect to Claims 1, 7 and 8, and thus Claims 1, 7 and 8 are allowable over the prior art of record.

Discussion of Patentability of Dependent Claims

Claims 2-6 depend upon base Claim 1, and further define additional technical features of the present invention. In view of the patentability of their base claim, and in further view of their additional limitations, Applicant respectfully submits that the dependent claims are patentable over the references.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

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Filed: April 21, 2005

CONCLUSION

In view of Applicant's foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

5/16/2008

By: _____

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